

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEXTER HUSSEY,

Plaintiff,

v.

CITY OF DEARBORN, *et. al.*,

Defendants.

Case No. 11-11695

Honorable John Corbett O'Meara

ORDER OF PARTIAL REMAND

Plaintiff Dexter Hussey filed an eighteen-count complaint against Defendants in the Circuit Court for the County of Wayne, alleging violations of 42 U.S.C. § 1983 and state causes of action. Defendants filed timely notice of removal.

Although the first eleven (11) counts of the complaint allege causes of actions specifically brought under § 1983, the remaining seven counts allege the following claims based solely on state law: Count 12, violations of the Michigan Constitution; Count 13, intentional infliction of emotional distress; Count 14, false arrest; Count 15, malicious prosecution; Count 16, abuse of process; Count 17, false imprisonment; and Count 18, battery. The parties to this action are not diverse. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts 12, 13, 14, 15, 16, 17, and 18 are **REMANDED** to the Circuit Court for the County of Wayne.

s/John Corbett O'Meara
United States District Judge

Date: May 11, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 11, 2011, using the ECF system.

s/William Barkholz
Case Manager